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January 7, 2002

Federal Express

The Honorable Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102-0360

FILED²
JAN 08 2002
Missouri Public
Service Commission

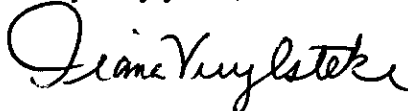
Re: AmerenUE Case No. EC-2002-1

Dear Judge Roberts:

Enclosed for filing in the above-referenced case are an original and eight (8) copies of the Missouri Industrial Energy Consumers' Response to Commission's Orders. Also enclosed is an additional copy to be file-stamped and returned to me.

Thank you for your assistance in bringing this filing to the attention of the Commission

Very truly yours,



Diana M. Vuylsteke

DMV:dv

cc: All Parties of Record

Enclosures

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED²

JAN 08 2002

Missouri Public
Service Commission

Staff of the Missouri Public Service
Commission,)
)
)
Complainant,)
)
v.)
)
)
Union Electric Company, d/b/a)
AmerenUE,)
)
)
Respondent.)

Case No. EC-2002-1

**MISSOURI INDUSTRIAL ENERGY CONSUMERS'
RESPONSE TO COMMISSION ORDERS**

Comes now Adam's Mark Hotel, Alcoa Foil Products, Anheuser-Busch Companies, Inc., The Boeing Company, Ford Motor Company, General Motors Corporation, Holnam, Hussmann Refrigeration, ISP Minerals, Mallinckrodt, Inc., MEMC Electronic Materials, Monsanto Company, Precoat Metals, Procter & Gamble Manufacturing, Ralston Purina and Solutia, hereafter referred to as the Missouri Industrial Energy Consumers ("MIEC"), and responds to the Commission's January 3, 2002 Order Approving Jointly Filed Revised Procedural Schedule.

1. On December 28, 2001, the Commission issued an order shortening the time for responses to a proposed procedural schedule filed by the Commission Staff and AmerenUE. This order stated that: "The Public Counsel has filed a response. Thus the Commission has heard from the necessary and statutory parties."

2. The above-referenced statement implies that the intervenors are not necessary and statutory parties in this proceeding. To the extent that the Commission intends to state that the intervenors are not necessary and statutory parties, the Commission's order is erroneous. Missouri Revised Statutes Section 386.420 entitles those granted intervention to be heard just as

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any party to a Commission proceeding. *See State ex rel. Fischer v. Public Service Commission*, 645 S.W.2d 39, 42 (Mo. App. W.D. 1982) (Section 386.420 RSMo guarantees all parties to a Commission proceeding the right to be heard and to introduce evidence).

3. The December 28 Order goes on to direct that “every intervenor shall file a pleading in opposition to or in support of the proposed procedural schedule jointly filed on December 26, 2001 by the Commission Staff and Ameren UE” (emphasis supplied).

4. The MIEC takes no position on the procedural schedule filed by the Commission Staff and AmerenUE and accordingly did not wish to file a pleading “in opposition to or in support of” this proposal. Counsel for the MIEC informed the Regulatory Law Judge by telephone message that the MIEC did not intend to file a pleading because it did not oppose or support the proposal.

5. The Commission’s January 3 order states that the MIEC did not comply with the Commission’s December 28 order.

6. The MIEC intends to use its best efforts at all times to comply with the Commission’s orders. The MIEC determined it would not be appropriate to file a pleading in this instance, because the Commission’s directive which required the filing of “a pleading in opposition to or in support of the proposed procedural schedule” did not pertain to parties that did not oppose or support the proposed procedural schedule.

7. The MIEC continues to reserve its right to take a position, or to decline to take a position, on any issue raised or proposal advanced in this case.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been electronically mailed to all counsel of record as shown on the attached service list this 7th day of January, 2002.

Diana Vuylsteke

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